

All communications respecting this case should identify it by number and names of parties.

Paper No.

17 16



UNITED STATES DEPARTMENT OF COMMERCE  
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**APR 23 1998**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Applicants: Goicoechea et al.

Serial No.: 08/461,402

Filed: 06/05/95

Title: BIFURCATED ENDOLUMINAL  
PROSTHESIS

Accorded Benefit of: European  
Applications EP9440284.9 filed  
02/09/94 and EP94401306.9 filed  
06/10/94; and U.S. Serial No.  
08/317,763 filed 10/04/94, now  
Patent No. 5,609,627 issued  
03/11/97

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 F.R. 48416. 1050 O.G. 385). The interference is designated as No. 104,192.

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

Attachment  
(37 CFR § 1.611(c))

The cases involved in this interference are:

JUNIOR PARTY

Patentee: Eric C. Martin  
134 Old Post Road North  
Croton on Hudson, NY 10520

Patent: 5,575,817 issued 11/19/96, Serial No.  
08/293,541 filed 08/19/94

Title: AORTO FEMORAL BIFURCATION GRAFT AND METHOD OF  
IMPLANTATION

Assignees: None

Attorney(s): Robert J. Koch

Associate Attorney(s): None

Accorded Benefit of: None

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JUNIOR PARTY

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Timothy J. Ryan  
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Los Altos Hills, CA 94022

Serial No. 08/463,836 filed 06/05/95

Title: APPARATUS AND METHODS FOR ENDOLUMINAL GRAFT  
PLACEMENT

Assignees: CardioVascular Concepts, Inc.

Attorney(s): James M. Heslin

Associate Attorney(s): None

Accorded Benefit of: U.S. Serial No. 08/255,681 filed  
06/08/94

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SENIOR PARTY

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Application: 08/461,402 filed 06/05/95

Title: BIFURCATED ENDOLUMINAL PROSTHESIS

Assignees: Boston Scientific Technology, Inc.,  
A Minnesota Corporation

Attorney(s): Paul F. Prestia, Allan Ratner, Andrew L. Ney,  
Kenneth N. Nigon, Kevin R. Casey, Guy T.  
Donatiello, Benjamin E. Leace, James C.  
Simmons, Viviana Amzel, Lawrence E. Ashery,  
Christopher R. Lewis, Steven E. Koffs,  
Anthony L. Dibartolomeo, Allan M. Wheatcraft,  
Anthony Grillo and Leon Nigohosian, Jr.

Associate Attorney(s): None

Accorded Benefit of: European Applications EP9440284.9 filed  
02/09/94 and EP94401306.9 filed  
06/10/94; and U.S. Serial No. 08/317,763  
filed 10/04/94, now Patent No. 5,609,627  
issued 03/11/97

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Count 1

An apparatus for reinforcing a bifurcated lumen  
comprising:

a first section, configured to be positioned within the  
lumen, comprising:

an upper limb, configured to fit within the lumen  
upstream of the bifurcation;

a first lower limb, configured to extend into a first  
leg of said bifurcation when said first section is positioned in  
the lumen, and

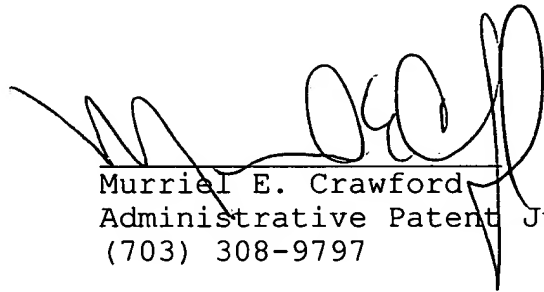
a second lower limb, shorter than said first lower limb, and configured so that when said first section is positioned in the lumen, said second lower limb does not extend into a second leg of said bifurcation.

The claims of the parties which correspond to this count are:

Martin : Claims 2-17

Fogarty : Claims 27-69

Goicoechea et al : Claims 55, 59, 62-65, 88 and 90



Murriel E. Crawford  
Administrative Patent Judge  
(703) 308-9797

gjh

## INTERFERENCE DIGEST

Interference No. 104,192 Paper No. 18-17  
Name, George Goicoechea et al.  
Serial No. 08/461,402 Patent No. \_\_\_\_\_  
Title, BIFURCATED ENDOLUMINAL PROSTHESIS  
Filed, 06/05/95  
Interference with Martin and Fogarty et al.

### DECISION ON MOTIONS

Examiner-in-Chief, \_\_\_\_\_ Dated, \_\_\_\_\_  
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### FINAL DECISION

Board of Patent Appeals and Interferences, adverse Dated, 7/27/01  
\_\_\_\_\_  
Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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